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Rules, Regulations, Orders

TITLE 7—AGRICULTURE

BUREAU OF AGRICULTURAL ECONOMICS

[Amendment 1 to Service and Regulatory Announcements 131]

PART 56—INSPECTION AND CERTIFICATION OF DRESSED POULTRY AND DRESSED DOMESTIC RABBITS FOR EXTERNAL CONDITION, AND DRESSED POULTRY AND DRESSED DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF FOR CONDITION AND WHOLESOMENESS

By virtue of the authority vested in the Secretary of Agriculture by a provision of the act of Congress entitled "An Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1939, and for other purposes", approved June 16, 1938 (52 Stat., 710), authorizing the establishment of an inspection service for perishable farm products, I, H. A. Wallace, Secretary of Agriculture, do hereby issue the following amendment to S. R. A. 131 (B. A. E.)¹ to be in force and effect on and after March 1, 1939:

In Regulation 6, Section 1, add a new paragraph to be known as Paragraph 5, as follows:

"PAR. 5 (Sec. 56.46 (e))² No person shall affix or place, or cause to be affixed or placed, the inspection mark, or any abbreviation, copy, or representation thereof, or the number designating a plant where federal poultry or domestic rabbit inspection is maintained, or a statement that any ingredient has been inspected and certified at a plant where federal poultry or domestic rabbit inspection is maintained, to or on any can, pot, tin, or other receptacle constituting an immediate container within the meaning of these regulations, of any dog food, cat food, fox food, or any similar product prepared in whole or in part of poultry

or domestic rabbit meat or byproduct thereof: *Provided*, That dog food, cat food, fox food, or any similar product prepared in a plant where federal poultry or domestic rabbit inspection is maintained and prepared in whole or in part of poultry or domestic rabbit meat or byproduct thereof, and placed in a can, pot, tin, or other receptacle, may bear a statement in the following form:

"The poultry meat, domestic rabbit meat, poultry byproduct or domestic rabbit byproduct ingredient of this article has been examined and passed under the supervision of the Bureau of Agricultural Economics. This article has been prepared in a plant operating under the poultry or domestic rabbit inspection service of the Bureau of Agricultural Economics."

"When any dog food, cat food, fox food, or any similar product is prepared in a part of an approved premises the sanitation of that part of the approved premises shall be supervised by inspectors or other authorized agents of the Bureau of Agricultural Economics on the same basis as other parts of the approved premises." (52 Stat., 740)

In testimony whereof, I have hereunto set my hand in the City of Washington, D. C., this 21st day of November, 1938.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-3514; Filed, November 22, 1938;
12:47 p. m.]

TITLE 8—ALIENS AND CITIZENSHIP IMMIGRATION AND NATURALIZATION SERVICE

[General Order No. C-7]

ABSENCE OF AN ALIEN FROM THE UNITED STATES DURING THE PERIODS OF RESIDENCE REQUIRED BY THE NATURALIZATION LAWS

NOVEMBER 19, 1938.

Pursuant to the authority contained in Section 28 of the Act of June 29, 1906

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¹ 2 F. R. 1417 (1695 D).

² Code of Federal Regulations designation.



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(34 Stat. 606), as amended by Section 8 of the Act of March 2, 1929 (45 Stat. 1515; 8 U. S. C., 356);

Sec. 7.43. Title 8 of the Code of Federal Regulations (Rule 3, Subdivision B, paragraph 1 of the Naturalization Regulations of December 1, 1936), is amended by changing the title of Form 2363 to read:

APPLICATION FOR THE BENEFITS OF THE ACT OF JUNE 25, 1936 (49 STAT. 1925).
AS AMENDED

Said section is further amended by deleting therefrom the following, added thereto by General Order No. C-6, November 2, 1938:¹

Form No. 2364

Title

Application for the Benefits of Public Resolution No. 128 of June 29, 1938.

Sec. 7.113 (c), Title 8 of the Code of Federal Regulations (Rule 7, Subdivision E of the Naturalization Regulations of December 1, 1936), as amended by General Order No. C-6, is amended to read as follows:

Sec. 7.113 (c) *Residence; effect of absence from the United States for one year or more.*—Where the absence from the United States during either of the periods described in paragraph (a) of Sec. 7.113 has been for a continuous period of one year or more, objection shall be made, unless the case comes within the provisions of Sections 7.114, 7.115, 7.116 or 7.116 (A), as otherwise the law itself declares that such absence breaks the continuity of the required residence. (*; Sec. 4 (4), 34 Stat. 598, Sec. 6 (b), 45 Stat. 1513, Sec. 1, 49 Stat. 1925, 8 U. S. C., Supp. III.)

¹ 3 F. R. 2621 DI.

Sec. 7.116 (B), Title 8 of the Code of Federal Regulations (Rule 7, Subdivision E of the Naturalization Regulations of December 1, 1936), supplied by General Order No. C-6, is amended to read as follows:

Sec. 7.116 (B) *Application forms.*—Application for the benefits of Section 7.114 or of Section 7.116 shall be submitted in duplicate to the Secretary of Labor on Form No. 2363, "Application for the Benefits of the Act of June 25, 1936 (49 Stat. 1925), as amended." The application will be duly considered by the Secretary of Labor and the alien notified of the decision thereon. A copy of such decision, verified or certified by the Commissioner of Immigration and Naturalization, or any Deputy Commissioner of Immigration and Naturalization, shall be filed in the naturalization court with the alien's petition for naturalization as a part of the record of the naturalization proceeding.*

[SEAL] JAMES L. HOUGHTELING,
Commissioner of Immigration
and Naturalization.

Approved.

FRANCES PERKINS,
Secretary.

[F. R. Doc. 38-3510; Filed, November 22, 1938;
10:04 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

SECURITIES AND EXCHANGE COMMISSION

SECURITIES ACT OF 1933 ADOPTION OF RULE S-522

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly Section 19 (a) thereof, and deeming such action necessary to carry out the provisions of the Act and necessary and appropriate in the public interest and for the protection of investors, hereby adopts the following rule:

Sec. 5. S-522 (Rule S-522). *Omission of Information as to Tentative Plans under Section 11 (b)¹ of the Public Utility Holding Company Act of 1935.*—A registration statement need not include the details of any tentative plan relating to Section 11 (b)¹ of the Public Utility Holding Company Act of 1935 which has been or is to be submitted informally to the Commission by the registrant or any of its parents or subsidiaries not later than

¹ Section 28, 34 Stat. 606 as amended by Section 8, 45 Stat. 1515; 8 U. S. C., 356.

² C. 687, sec. 11, 49 Stat. 820; 15 U. S. C., Sup. III, 79k.

December 1, 1938, pursuant to the Commission's request of August 3, 1938. In such case the registration statement shall contain an appropriate reference to the provisions of Section 11 (b)¹ and a statement to the effect that such tentative plan has been or is to be so submitted. The foregoing provisions shall likewise be applicable to prospectuses. (C. 38, sec. 19, 48 Stat. 85; c. 404, sec. 209, 48 Stat. 908; 15 U. S. C., 77s) (General Rules and Regs., Rule S-522, effective November 21, 1938)

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 38-3508; Filed, November 21, 1938;
3:50 p. m.]

TITLE 50—WILDLIFE

BUREAU OF BIOLOGICAL SURVEY

ORDER PERMITTING HUNTING OF MIGRATORY GAME BIRDS IN THAT PART OF THE WHEELER MIGRATORY WATERFOWL REFUGE SITUATED IN MADISON COUNTY, ALABAMA

By virtue of authority conferred upon the Secretary of Agriculture by section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222), section 84 of the act of March 4, 1909, 35 Stat. 1104, as amended by the act of April 15, 1924, 43 Stat. 98, and in extension of Regulation 9 of the General Regulations of the Secretary of Agriculture of November 23, 1937,¹ governing the Administration of National Wildlife Refuges under the Jurisdiction of the Bureau of Biological Survey, made and prescribed pursuant to said authority, it is ordered that migratory waterfowl (except those species for which no open season is prescribed by the Migratory Bird Treaty Act regulations) and coots may be taken in 1938 within that part of the Wheeler Migratory Waterfowl Refuge situated in Madison County, Alabama, as established by Executive Order No. 7926, approved July 7, 1938,² when, in manner, by means, and to the extent not prohibited by either Federal or State law or regulation.

In testimony whereof I have hereunto set my hand and caused the official seal of the United States Department of Agriculture to be affixed in the City of Washington this 21st day of November 1938.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-3513; Filed, November 22, 1938;
12:47 p. m.]

¹ 2 P. R. 2538 (2952 DI).

² 3 F. R. 1669 DI.

Notices

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

NATIONAL MARKETING QUOTA FOR FLUE-CURED TOBACCO
BY THE SECRETARY OF AGRICULTURE OF THE
UNITED STATES OF AMERICA

A Proclamation

Whereas the Agricultural Adjustment Act of 1938, as amended, provides:

Sec. 312. (a) Whenever, on the 15th day of November of any calendar year, the Secretary [of Agriculture] finds that the total supply of tobacco as of the beginning of the marketing year then current exceeds the reserve supply level therefor, the Secretary shall proclaim the amount of such total supply, and, beginning on the first day of the marketing year next following and continuing throughout such year, a national marketing quota shall be in effect for the tobacco marketed during such marketing year. The Secretary shall also determine and specify in such proclamation the amount of the national marketing quota in terms of the total quantity of tobacco which may be marketed, which will make available during such marketing year a supply of tobacco equal to the reserve supply level. Such proclamation shall be made not later than the 1st day of December in such year.

and

Whereas said Act contains, in section 301 (b), the following definitions of terms here pertinent:

"Total supply" of tobacco for any marketing year shall be the carry-over at the beginning of such marketing year plus the estimated production thereof in the United States during the calendar year in which such marketing year begins . . .

"Carry-over" of tobacco for any marketing year shall be the quantity of such tobacco on hand in the United States at the beginning of such marketing year, which was produced in the United States prior to the beginning of the calendar year then current . . .

"Marketing year" means, in the case of the following commodities, the period beginning on the first and ending with the second date specified below:

"Tobacco (flue-cured), July 1-June 30 . . .

"Reserve supply level" of tobacco shall be the normal supply plus 5 per centum thereof, to insure a supply adequate to meet domestic consumption and export needs in years of drought, flood, or other adverse conditions, as well as in years of plenty.

The "normal supply" of tobacco shall be a normal year's domestic consumption and exports plus 175 per centum of a normal year's domestic consumption and 65 per centum of a normal year's exports as an allowance for a normal carry-over.

"Normal year's domestic consumption," in the case of . . . tobacco, shall be the yearly average quantity of the commodity produced in the United States that was consumed in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

"Normal year's exports" in the case of . . . tobacco . . . shall be the yearly average quantity of the commodity produced in the United States that was exported from the United States during the ten

marketing years . . . immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

and

Whereas said Act provides, in section 301 (c), that "The latest available statistics of the Federal Government shall be used by the Secretary [of Agriculture] in making the determinations required to be made by the Secretary under this Act.": and

Whereas on the 15th day of November 1938, I, H. A. Wallace, Secretary of Agriculture of the United States, found, upon the basis of the latest available statistics* of the Federal Government,—

that the "reserve supply level" of flue-cured tobacco was 1,727,000,000 pounds; and

that the "total supply" of flue-cured tobacco for the marketing year for such tobacco beginning July 1, 1938, was 1,750,000,000 pounds and exceeded the reserve supply level of such tobacco:

Now, therefore, be it known that I, H. A. Wallace, Secretary of Agriculture of the United States, acting under and pursuant to, and by virtue of, the authority vested in me by the Agricultural Adjustment Act of 1938, as amended, do hereby proclaim my findings aforesaid and do hereby determine and proclaim that the amount of the national marketing quota for flue-cured tobacco in terms of the total quantity of such tobacco which may be marketed, which will make available during the marketing year beginning July 1, 1939, a supply of such tobacco equal to the reserve supply level, is 754,000,000 pounds.

Done at Washington, D. C., this 21st day of November 1938. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 38-3512; Filed, November 22, 1938;
12:47 p. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before
Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 22nd day of November, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3511]

IN THE MATTER OF MISSISSIPPI SALES COMPANY, INC., A CORPORATION; JOBBERS PRODUCE COMPANY, INC., A CORPORATION; S. O. SCOTT, INDIVIDUALLY AND AS PRESIDENT, DIRECTOR AND MAJORITY STOCKHOLDER OF JOBBERS PRODUCE COMPANY, INC., AND MISSISSIPPI SALES COMPANY.

* Rounded to the nearest 1,000,000 pounds.

INC.; THE PENNY STORES, INC., A CORPORATION; BUCKLEY-YOUNG COMPANY, A CORPORATION; AMERICAN FRUIT GROWERS, INC., A CORPORATION; PACIFIC FRUIT AND PRODUCE COMPANY, A CORPORATION; DOW FRUIT COMPANY, A CORPORATION; E. O. MUIR COMPANY, A CORPORATION; WILLIAM HENDERSON, HUNT HENDERSON, CHRIST GAMBLE, AND FRED GAMBLE, INDIVIDUALS DOING BUSINESS UNDER THE FIRM NAME AND STYLE OF WILLIAM HENDERSON SUGAR REFINERY; RESPONDENTS

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U. S. C. A., Section 41), and (49 Stat. 1526, U. S. C. A., Section 13, as amended)

It is ordered, That Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, December 6, 1938, at ten o'clock in the forenoon of that day (Central standard time) in Court Room 212, Federal Building, Meridian, Mississippi.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 38-3511; Filed, November 22, 1938;
12:15 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the
Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of November, A. D. 1938.

[File No. 32-105]

IN THE MATTER OF NEW YORK STATE ELECTRIC & GAS CORPORATION

ORDER EXEMPTING ISSUANCE OF BONDS

New York State Electric & Gas Corporation, a subsidiary company of NY PA NJ Utilities Company, Associated Gas and Electric Corporation, and Associated Gas and Electric Company, registered holding companies, having duly filed with this Commission an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of section 6 (a) of

said Act of the issuance of two bonds in the aggregate principal amount of \$155,000, bearing interest at the rate of 6% per annum, to be retired by regular monthly installments of principal and interest and secured by purchase money mortgages; a hearing on said application having been duly held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein:

It is ordered, That the issuance of said bonds be, and the same hereby are, exempted from the provisions of section

6 (a) of the Public Utility Holding Company Act of 1935; subject, however, to the following conditions:

(1) That the issuance of said bonds shall be in compliance with the terms and conditions of, and for the purposes represented by, said application, and in compliance with the terms and conditions imposed by the order of the Public Service Commission of New York.

(2) That such exemption shall terminate immediately if, at any time, the authorization of such issuance by the Public Service Commission of New York shall be revoked or otherwise terminate.

(3) That within ten days after the issuance of said bonds, the applicant shall file with this Commission a certificate of notification, stating that said bonds have been issued in accordance with the terms and conditions of, and for the purposes represented by, said application, as amended.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,

Secretary.

[F. R. Doc. 38-3509; Filed, November 21, 1938;
8:50 p. m.]